19 36-38-39 **File No.** 150/36

B CLASS Public Works **DEPARTMENT**

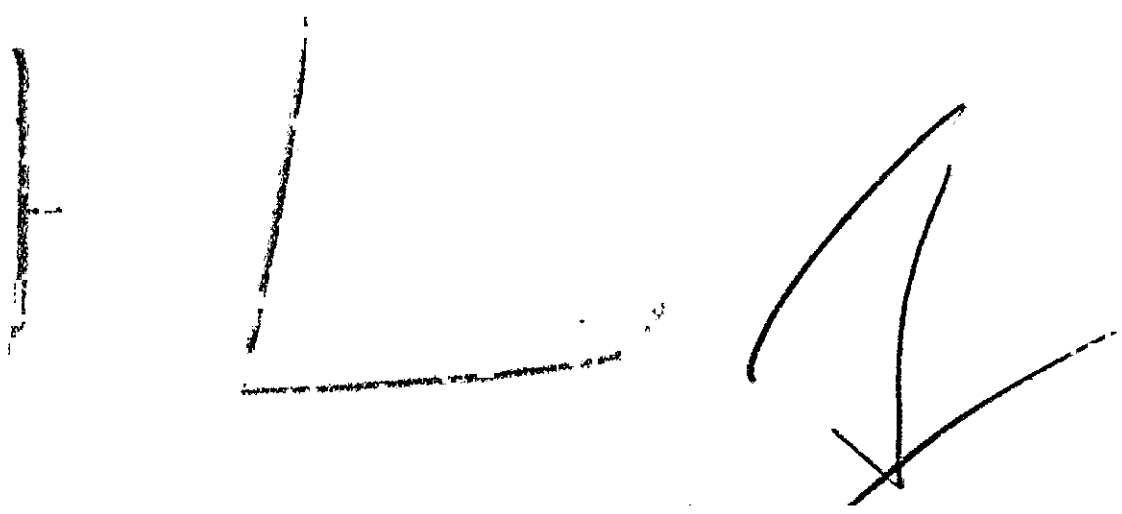
& **BRANCH** I

Subject: Domicile

Determination of —

Orders regarding —

and over-seas Pay.



File No. 150/36 ELD

Stn. Sects. Slip 24-A

Std. Sectt. 78A e.

G R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 150/36

P. W. DEPT.,

E BRANCH. I

References :—

Date.	To whom sent.	Notes and instructions.

Domicile:

Questionnaire for determination of —.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT

Resolution No. 660/33.

Bombay Castle, 12th February 1936.

RESOLUTION OF GOVERNMENT.

Government are pleased to direct that the appended form* of questionnaire should be used in determining the domicile of a Government servant under the rule-making control of the Government of Bombay.

By order of the Governor in Council,

S. RIDLEY,
Officiating Dy. Secretary to Government.

To

The Accountant General,
The Audit Officer, Lloyd Barrage & Canals Construction,
The Private Secretary to His Excellency the Governor,
The Commissioner in Sind,
The Inspector General of Police,
The Commissioner of Police,
The Deputy Inspector General of Police for Sind,
The Inspector General of Prisons,
The Judicial Commissioner of Sind,
†The Prothonotary and Senior Master,
His Majesty's High Court, Bombay,
†The Registrar of His Majesty's High Court
of Judicature, Appellate Side, Bombay,
All Departments of the Secretariat.

*Printed as an accompaniment to this Resolution.
†By letter.

No. of 1936.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Finance Department, No.660/33, dated the 12th February 1936.

Questionnaire.

1. (a) When and where was your paternal grandfather born?
(b) What was, or is, his profession or occupation?
(c) Where was he when your father attained his majority?
(d) Is he alive? If not, when and where did he die?

2. Was he ever in India?

If he was——

(a) Where was he educated?

(b) Where was he married?

(c) In what capacity did he come to India or work there?

(d) How often, if at all, did he leave, or has he left India, and for how long on each occasion?

(e) Was his wife (your grandmother) ever in Europe? If so, how many times and for how long on each occasion.

(f) If your grandfather is dead, had he retired before his death? If so, how long did he remain in India after retiring?

(g) How many children had he? Did any of them (except your father) settle in India? If so, give particulars.

(h) If you cannot answer question 1 (a) and (d) state approximately your grandfather's age when he died?

(i) Had he ever any immovable property in India. If so, where and of what value?

3. (a) When and where was your father born?

(b) What was or is his profession or occupation?

(c) Where was he when you attained your majority?

(d) Is he alive? if not, when and where did he die?

4. Was your father ever in India? If he was——

(a) Where was he educated?

(b) When, where and to whom was he married?

(c) In what capacity did he come to India or work there?

(d) How often, if at all, did he leave, or has he left India and for how long on each occasion?

(e) Was your mother ever in Europe? If so, how many times and for how long on each occasion?

(f) If your father is alive, where is he and what is he doing? Has he retired? If so, how long did he remain in India after retiring?

(g) If ~~your father~~ He is dead, what was his financial position (i) when he retired and (ii) when he died?

(g) If ~~he~~ your father is dead, had he retired before his death? If so, how long did he remain in India after retiring?

(i) Has, or had he or your mother any property in Europe? If so, where and of what description and value?

(j) Has or had, he or your mother ever any immovable property in India? If so, where and of what value?

(k) Did, or does, he or your mother correspond with any relatives or friends in Europe?

5. (a) When and where were you born?

(b) Where were you educated?

(c) If you are married, when, where and to whom were you married?

(d) Have you ever been to Europe? If so, how many times and for how long on each occasion? If not, what prevented you from leaving India.

(e) Has your wife ever been to Europe? If so, how often and for how long on each occasion?

5. (f) How many children have you? Where were they, or are they being educated? and what are they doing?

(g) When and in what capacity did you enter service under Government?

(h) If you did not join immediately on finishing your education, what were you doing before you joined?

(i) Have you or your wife any property in Europe? If so, where and of what description and value?

(j) Have you or your wife or have either of you ever had any immovable property in India? If so, where and of what value?

(k) Do you, or does your wife, correspond with any relatives or friends in Europe? If so, give particulars.

6. Have or had you any brothers or sisters? If so, how many? Where were they or are they being educated? Where are they now and what are they doing? If any of them are dead, where did they die and what were their occupations?

7. Have you ever claimed and been deemed to be a native of India for the purpose of your appointment to any office under Government, or for the conferment upon you by Government of any scholarship, emoluments or other privileges?

Copy of a letter from the Accountant General, Bombay, No. G.I/3535, dated the 18th February 1938.

---x---

Subject. - Determination of Domicile.

I have the honour to forward herewith a copy of the Government of India, Finance Department Endorsement No. F.7-(6)-Ex.I/37, dated 6th January 1938 on the subject mentioned above with the accompaniment thereto for information.

ACCOMPANIMENTS:

Copy of the Government of India, Finance Department Endorsement No.F.7(6)-Ex.1/37, dated 6th January 1938.

A copy of the undermentioned paper is forwarded to the Central Board of Revenue; the Auditor General; the Master, Security Printing, India and the Finance Officer, Communications.

Under Secretary to the Government of India.
List of papers forwarded.

Office memorandum from the Government of India, Home Department No.F.225/37-Ests. dated the 10th December 1937.

No.35-A/13-38.
Office of the Auditor General of India,
New Delhi, dated the 18th January 1938.

Copy forwarded to all Accountants General &c.,&c.

Sd. B. N. Mukherjee,
Asstt. Accounts Officer.

Copy of the Office Memorandum from the Government of India, Home Department, No.F.225/37-Ests., dated New Delhi the 10th December 1937.

The undersigned is directed to invite a reference to the Home Department Office Memorandum No.F.445/II/27-Ests., dated the 17th February 1928. Experience has shown that the procedure contemplated in the Memorandum has not secured uniformity in decisions relation to matters of Domicile. The Government of India have therefore decided that, in order to secure uniformity of treatment, the question of fact regarding a person's domicile shall in all cases be referred to the Federal Public Service Commission for their opinion. The final decision will remain that of the Government of India, but, following the convention established that in all but exceptional circumstances the advice of the Commission shall be accepted (vide the Home Department endorsement No.F.21/11/27-Ests., dated the 14th July 1927) the opinion of the Commission should normally be accepted. The Finance Department should, as hitherto be consulted before a final decision is reached.

Below copies of letter from the Accountant General, Bombay, No.G.I/3535, dated the 18th February 1938, and of its accompaniments.

--- x ---

No.1586/34-D.

Political and Services Department.

Bombay Castle, 6th July 1938.

Forwarded for information and guidance to -

The Secretary to the Governor,

All Departments of the Secretariat (except the Separate Department).

By order of the Governor of Bombay,

(sd.).....

For Chief Secretary to the Government of Bombay,
Political and Services Department.

Copy forwarded for information to the Accountant General, Bombay.

150/36
15408

P. W. Deptt.

(E.B.)

Submitted.

2. The H. D. Memo No.F.445/II/27-Estbts, dated the 17-2-38 referred to at p.7 ante , does not appear to have been received in this office. It is necessary to know whether the decision referred to at 'A' is in respect of All India Services only.

A copy of the memo. may be obtained in the first instance from the P & S. D. as per draft requisition put up for signature.

Id.
16-7-38

Id.
18/7/38

150/36
17028

Public Works Deptt.

(E.B.)

Submitted.

2. The G. of I. have decided that matters affecting the domicile of a member of an All India Service shd. be referred to the Federal Public Service Commission for opinion. The final decision is however to rest with the G. of I.
The above instructions may be noted. It is not necessary, to communicate these instructions to any of the I.S.E. officers.

Record.

Id.
29-7-38

Id.
29.7.38

Id.
30/7

Copy of letter from the Government of India, Finance Department, No.D.2906-F, dated the 19th May 1939.

- x -

Subject.- Recovery of overissues of sterling Overseas Pay.

.....

In continuation of the letter from the Home Department No.D.4252-Estn., dated the 20th October 1925, on the above subject, I am directed to enclose, for information, a copy of this Department letter to the High Commissioner, No.D.2906-F., dated the 19th May 1939.

Copy of a letter from the Government of India, Finance Department, No.D.2906-F, dated the 19th May 1939, addressed to the High Commissioner for India, Accounts Department, London.

- x -

I am directed to invite a reference to your letter No.A.R.71461/505/S.P.117, dated the 9th January 1939, to

the Auditor General of India and to say that the Central Government consider that recovery of overpayments of sterling overseas pay should be effected in accordance with the individual officer's wishes. Cases of overpayment are not very frequent and usually happen in respect of selection grade promotions which are very much in appears. All other events affecting sterling overseas pay occur through a definite transfer of charge and any recovery should be small. When, however, back promotion to a selection grade is gazetted and there is an increase in rupee pay, the account officers are being instructed to ask the officer concerned (a) whether the overissue of sterling overseas pay should be adjusted against the arrears of rupee pay or (b) whether he would prefer to instruct his nominee in England to refund the overissue to the High Commissioner for India on demand.

Below copies of letter from the Government of India, Finance Department, No.D.2906-F, dated the 19th May 1939 and of its accompaniment.

No.3162/34-D.
Political & Services Department.
Bombay Castle, 16th June 1939.

Forwarded with compliments to -

The Accountant General, Bombay,
The Military Secretary to His Excellency the Governor,
The Secretary to the Governor,
All Departments of the Secretariat,
for information, in continuation of Government Resolution, Finance Department, No.4410, dated the 5th November 1925.

By order of the Governor of Bombay
(Sd.).....
The Chief Secretary to the Government of Bombay, Political & Services Department.